

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16380 of The Bueheit Children's Trust, pursuant to 11 DCMR 3107.2, for variances from Subsections 1706.2, 1706.3 and 1706.4(b), the requirement to provide residential uses, and a variance from the parking requirements of Subsection 2101.1 for a 72-room inn in a DD/C-2-C District at premises 450 H Street, N.W. (Square 518, Lot 103).

HEARING DATE: September 16, 1998
DECISION DATE: September 16, 1998 (Bench Decision)

CORRECTED SUMMARY ORDER*

*This order replaces the Board's order for this application dated September 24, 1998, and identifies the Advisory Neighborhood Commission (ANC) as 6A instead of 2C.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to ANC 6A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, did not file a written statement.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR 1706.2, 1706.3, 1706.4(b) and 2101.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty and an undue hardship for the owners in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Betty King, Jerry H. Gilreath and Sheila Cross Reid to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

FINAL DATE OF ORDER: OCT - 1 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16380

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest that on OCT - 1 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter and who is listed below:

Nathan Gross
Peter Szegedy-Maszak
Arnold and Porter
555 12th Street, N.W.
Washington, D.C. 20004-1206

The Bucheit Children's Trust
4255 Devonshire Drive
Youngstown, Ohio 44512

Anna Ruiqin Wang
Wahne Clark
AA International Trade & Investment, Inc.
8107 Karl Road
Alexandria, VA 22308

ATTESTED BY:


for SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: OCT - 1 1998